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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT

PAPER NUMBER

2424

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,684	Applicant(s) YAMAGUCHI ET AL.	
	Examiner FRANKLIN S. ANDRAMUNO	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/14/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/24/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 7,305,357 B2) in view of Iijima et al (US 6,816,967 B1) in view of Kurauchi (US 7,548,984 B2). Hereinafter referred as Hamilton, Iijima and Kurauchi.

Regarding claims 1, 5, 7, 11, and 15, Hamilton discloses a content distribution system (**Content On Demand System (10) in figure 1**), comprising: a content delivery server that broadcasts (**column 2 lines 30-35**) and receiving client that receives the data stream for a broadcast program (**figure 4**), the control information for obtaining the broadcast program (**column 5 lines 48-61**), and the program information stores the broadcast contents (**column 5 lines 52-54**) and reproduces the stored (**column 6 lines 28-38**) broadcast program. The content receiving client controls a reproduction for the stored broadcast program based on the content control information (**column 6**

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lines 39-42). Hamilton discloses a content distribution system wherein the content receiving client controls a reproduction for the received broadcast program further based on the reproduction control information (**column 5 lines 48-61**) or controls a recording reservation operation for the broadcast program further based on the reproduction control information (**column 8 lines 42-49**). Also wherein the transmission means inserts content control information corresponding to the broadcast program in the control information for obtaining the program or in the program information (**column 8 lines 19-21**) the content control information relating to copy control of the content and being in the control information for obtaining the program or in the program information (**copy possible? in figure 10**), the control information including information indicating identification numbers (**figure 7**) of data packets corresponding to a broadcast program (**column 1 lines 55-59**), and the program information including information about a broadcast program and broadcast time (**column 6 lines 24-28**).

However, Hamilton is silent in teaching the use of the copyright protection information in the control information for obtaining the broadcast program or in the program information. Iijima discloses on (**figure 10**) the starting of copyright information display processing. In addition, Iijima also teaches the content control information relating to copy control of the content and being in the control information for obtaining the program or in the program information (**copy possible? in figure 10**), the control information including information indicating identification numbers (**figure 7**) of data packets corresponding to a broadcast program (**column 1 lines 55-59**), and

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the program information including information about a broadcast program and broadcast time **(column 6 lines 24-28)**.

Therefore, it would have been obvious at the time of the invention to include the control information concerning copyright protection. This is a useful combination because it allows software owners to sell and download their products with the correct protection.

However, Hamilton and Iijima are silent in teaching the content delivery server delivers content control information corresponding to the broadcast program. Kurauchi discloses on **(column 4 lines 30-44)** a stream distribution system having the stream server device which stores a stream that includes content and control information necessary for image playback of the content. Also, a content delivery server that delivers a data stream for a broadcast program **(column 6 lines 30-45)**, control information for obtaining data for a broadcast program, and program information **(column 8 lines 32-50)**. A server type broadcast content control descriptor is defined as copyright information at the time of content reproduction **(column 3 lines 45-48)**.

Therefore, it would have been obvious at the time of the invention to include the use of a content delivery server to deliver content control information corresponding to broadcast program. This is a useful combination because it allows a system to send computerized control system and control broadcasting display data remotely.

A server type broadcast content control descriptor is defined as copyright information at the time of content reproduction.

Regarding claims 2, 6, 8, and 12, Hamilton discloses a content distribution system according to claims 1, 5, 7, and 11, wherein content control information includes at least reproduction control information **(column 5 lines 48-61)**, and the reproduction control information includes at least one of the number of times of reproduction of contents **(column 26 lines 17-24)**, restriction of display resolution of reproduced broadband program **(column 26 lines 17-24)**, and an expiration date of content reproduction **(column 12 lines 45-54)**.

Regarding claim 3, Hamilton discloses a content distribution system according to claims 2, 8, and 12, wherein the content receiving client controls a reproduction for the received broadcast program further based on the reproduction control information **(column 5 lines 48-61)** or controls a recording reservation operation for the broadcast program further based on the reproduction control information **(column 8 lines 42-49)**. Also wherein the transmission means inserts content control information corresponding to the broadcast program in the control information for obtaining the program or in the program information **(column 8 lines 19-21)** the content control information relating to copy control of the content and being in the control information for obtaining the program or in the program information **(copy possible? in figure 10)**, the control information including information indicating identification numbers **(figure 7)** of data packets corresponding to a broadcast program **(column 1 lines 55-59)**, and the program information including information about a broadcast program and broadcast time **(column 6 lines 24-28)**.

Regarding claims, 9 and 13, Hamilton discloses a content recording and reproduction method according to claim 12, wherein the case in which the reproduction control information **(column 5 lines 48-61)** concerning stored broadcast content **(Memory (26) in figure 2)** is included in the section of the control information for obtaining the program or the program information **(column 6 lines 39-42)**, in the storage step, a recording reservation operation for contents is controlled on the basis of the number of times of reproduction of contents **(column 8 lines 42-49)**, the restriction of display resolution at the time of reproduction of contents **(column 26 lines 17-24)**, and the expiration date of content reproduction described in the reproduction control information **(column 12 lines 45-54)** or, in the reproduction step, a reproduction operation is controlled on the basis of the number of times of reproduction of contents **(page 2 paragraph (0017) lines 10-14)**.

Regarding claims 4, 10, and 14, Hamilton discloses a content distribution system according to claims 2, 8, and 12, wherein the content or storage **(Memory (26) in figure 2)** receiving client controls a reproduction for the received broadcast program based on record control data for managing a copy generation of contents in the control information **(column 7 lines 7-10)** or controls a recording reservation operation for the broadcast program based on record control data for managing a copy generation of contents in the control information **(column 8 lines 42-49)**, when the reproduction control information is not in the control information or the program information **(column 6 lines 15-28 Klee)**.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 7,305,357 B2) in view of Iijima et al (US 6,816,967 B1) in view of Kurauchi (US 7,548,984 B2) in view of Challenger (US 2003/0088768). Hereinafter referred as Hamilton, Iijima, Kurauchi and Challenger.

Regarding claim 16, Kurauchi discloses a content distribution system according to claim 1 (**figure 2**),

However, Hamilton, Iijima and Kurauchi are silent in teaching the broadcast contents and the content control information are broadcasted by radio wave. Challenger teaches on (**figure 6**) a request to transmit radio broadcast. Hence, broadcasting radio waves.

Therefore, it would have been obvious at the time of the invention to include the use of content control information broadcasted by radio wave. This is a useful combination because the system is capable of transmitting encrypted data over the air.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
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